

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA**

In re

MONTANA TUNNELS MINING, INC.,

Debtor.

Case No. **2:22-bk-20132-BPH**

ORDER

In this Chapter 11 bankruptcy, Debtor filed an Amended Chapter 11 Plan at ECF No. 64 (“Plan”) and an Amended Disclosure Statement on August 9, 2023, at ECF No. 65. Creditor Montana Department of Environmental Quality (“Creditor”) filed “Objections to Debtor’s Amended Disclosure Statement” on August 22, 2023, at ECF No. 67 (“Objections”). A hearing was held on the matter on August 29, 2023.

At the hearing, counsel for Debtor and Creditor agreed that the Objections were largely centered around Plan feasibility concerns and could be addressed at any future confirmation hearing. Counsel for Debtor further indicated that the Office of the United States Trustee had contacted Debtor regarding concerns it had over the calculation of certain payments under Debtor’s Plan. As a result of these discussions, Debtor acknowledged the Amended Disclosure Statement and Plan would need to be revised. Accordingly,

IT IS ORDERED that, based on the statements of counsel, Debtor’s Amended Disclosure Statement is approved, subject to the additional changes discussed between Debtor and the U.S. Trustee. Debtor shall file a Second Amended Disclosure Statement and Second Amended Plan with these changes on or before **September 1, 2023**.

IT IS FURTHER ORDERED that the U.S. Trustee shall review Debtor’s Second Amended Disclosure Statement and Second Amended Plan and file a Consent on **September 5, 2023**, if the Second Amended Disclosure Statement and Second Amended Plan satisfy the concerns it raised with Debtor.

IT IS FURTHER ORDERED that, upon the filing of the U.S. Trustee’s Consent, Debtor shall:

1. Transmit a copy of this Order, Debtor’s Second Amended Chapter 11 Plan (“Amended Plan”), the Second Disclosure Statement, and a ballot form for voting on acceptances or rejections of the Amended Plan generally conforming with Official Form 314 on all creditors, equity security holders, the United States Trustee, and other parties in interest as provided in Fed. R. Bankr. P. 3017(d).

2. A hearing on confirmation of Debtor's Amended Plan shall be held on **Wednesday, October 4th, 2023, at 09:00 a.m.**, or as soon thereafter as the parties can be heard, in the 2ND FLOOR COURTROOM, FEDERAL BUILDING, 400 N. MAIN, BUTTE, MONTANA.
3. Pursuant to Fed. R. Bankr. P. 3020(b)(1), **September 27, 2023**, is fixed as the last day for filing and serving written objections to confirmation of Debtor's Amended Plan and for filing written acceptances or rejections (by completing the ballot) of the Amended Plan. Objections, if any, shall be served on the Debtor, the U.S. Trustee, the proponent of the plan if the proponent is not the debtor, and any committee appointed under the Code.
4. Pursuant to Fed. R. Bankr. P. 3020(b)(2), if no objections are timely filed, the court may determine that the Plan has been proposed in good faith and not by any means forbidden by law without receiving evidence on such issues.

Dated August 29, 2023.

BY THE COURT:



Hon. Benjamin P. Hursh
United States Bankruptcy Court
District of Montana